

REMARKS

Favorable reconsideration and allowance of this application are respectfully requested.

As an initial procedural note, the present amendment is being filed concurrently with a formal Request for Continued Examination (RCE) under 37 CFR §1.114. Accordingly withdrawal of the "finality" of the May 16, 2007 Official Action is in order so as to allow entry and consideration of the amendments and remarks presented herewith.

1. Discussion of Amendments

Claim 1 has been revised so as to emphasize that the "bending monomer" is isophthalic acid. Accordingly, prior requirement (4) has been deleted. Claims 2-4 have also been deleted as redundant.

Thus, following entry of this amendment, claims 1 and 6-14 will remain pending herein for consideration, of which claim 1 is in independent format.

2. Response to Art-Based Rejections

Prior claims 1-4 and 6-12 attracted a rejection under 35 USC § 102(b) as allegedly anticipated by Linstid III et al (USP 6,222,000).¹ In addition, claims 13 and 14 attracted a rejection under the 35 USC §103(a) based on the combination of Linstid et al in view of Furuta et al (USP 5,612,101). As will become evident from the following discussion, all pending claims herein are patentably distinguishable over the applied references of record.

Applicants note that the presently claimed polyester amide is unexpectedly superior to the general showing of Linstid, III et al in view of elongation. In addition, the

¹ The Examiner's reference to claims 1-12 in the rejection advanced under 35 USC §102(b) appears to be a typographical error since claim 5 had earlier been cancelled.

claimed polyester amide of the present invention is unexpectedly superior to the general showing of Linstid, III et al in view of its adhesiveness to another resin. Thus, the claimed polyester amide represents a patentable selection of specific attributes so as to achieve unexpectedly superior properties.

Linstid, III et al generally discloses an amorphous wholly aromatic polyester amide containing:

- 15-60% of (A) 4-hydroxybenzoic acid,
- 15-60% of (B) 20hydroxy-6-napthoic acid,
- 5-20% of (C) p-aminophenol,
- 7-15% of (D) isophthalic acid and
- 5-20% of (E) terephthalic acid.

It is noted that monomer (C) is broadly disclosed, containing 4,4'-bisphenol. Likewise, monomer (D) is broadly disclosed, containing m-aminophenol.

Linstid, III et al therefore suggests nothing about the particular selectivity of the monomers defined in the present applicants' claims so as to achieve the superior advantages of elongation and adhesiveness to another resin.

In this regard, Example 6 of the present application and Examples 9 and 10 show a product which falls within the general disclosure of Linstid, III et al. However, as will be observed, such Examples have low adhesive strengths.

Thus, applicants suggest that the presently pending claims 1 and 6-12 are not anticipated by Linstid, III et al.

Nor does the combination of Linstid et al and Furuta et al render the presently claimed invention unpatentable under 35 USC §103(a). Specifically, Furuta merely discloses blending a liquid crystal polyester (LCP) with an olefin. As noted during previous prosecution, Linstid III et al would not direct and ordinarily skilled person to select the particular components in the particular amounts as defined in the pending

claims herein. Thus, even if an ordinarily skilled person would consider combining the LCP of Furuta with the wholly aromatic polyester of Linstid III et al, the present invention as defined by claims 13-14 would not be the result.

Withdrawal of the rejection advanced under 35 USC §103(a) based on the combination of Linstid, III et al and Furuta et al is also in order.

3. Response to Double Patenting Rejection

Applicants note the provisional double patenting rejection advanced on the basis of claims 1-5 and 12-25 of copending application Serial No. 10/538,845. A line of patentable demarcation is believed to exist as between the claims of the present application and the claims of the '845 application. Specifically, currently pending claim 1 in the '845 application requires that the wholly aromatic polyester amide composition be obtained by blending 1 to 20% by weight of a modified polyolefin resin or a polyamide resin having a melting point of 230°C or lower or being amorphous with an amorphous wholly aromatic polyester amide exhibiting an optical anisotropy at softening and flowing. Therefore, it is requested that the issue of same invention double patenting advanced in the subject official action has been resolved. Withdrawal of the same is believed to be in order.

4. Information Disclosure Statement

The Examiner has undoubtedly already considered the applicants' copending application Serial No. 10/538,845 filed on June 13, 2005 as a "double patenting" rejection based thereon has been advanced during prosecution of the subject application. The published version of the '845 application, namely US Patent Application Publication 2006/0073306 A1, is noted on an appropriate form for the Examiner to confirm his consideration of the same.

Fortunately, Examiner Listvoyb is examining both the subject application and the '845 application. In this regard, the Examiner will recall that a "final" official action

NAKANE et al
Serial No. 10/525,642
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issued on May 21, 2007 in the '845 application. See the USPTO's PAIR site at
[for a copy of the same.](http://portal.uspto.gov/external/portal/lut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLN4gPMATJgFieAfqRqCLGpuqijinABX4_83FT9IKBEpDIQxNDCRz8qJzU9MbISP1jWz9AvyA3NDSi3NsRAHxEBJql/delta/base64xml/L0JSk03dWlDU1IKSi9vQXd3QUFNWVdBQ0VJUWhDRUVJaEZLQSEvNEZHZZRZbktkMfEZSb1hmckNIZGgvN18wXzE4TC80L3NhLmdIdEJpYq!!selectedTab=ifwtab&isSubmitted=isSubmitted&dosnum=10538845&public_selectedSearchOption=)

5. Conclusion

Withdrawal of all rejections of record are in order. An early and favorable reply on the merits is awaited.

6. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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